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Chief Clerk of the House

FILED MAR 11 2005

H.B. No. 3149

By:

Martha Wong

A BILL TO BE ENTITLED

AN ACT

relating to providing for an inactive license status for a
cosmetology licensee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 9, Chapter 1602 of the Occupations Code is
amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. INACTIVE LICENSE STATUS. (a) A cosmetology or
cosmetology related licensee may request inactive status prior to
the expiration date of a current license, but not later than the
10th day prior to the expiration date, by submitting such request
on a form provided by the commission. Licensee shall also submit
payment of the required biennial fee for inactive status.

(b) A licensee shall not be required to complete continuing
education requirements while under inactive license status.

(c) Inactive license status shall be renewed biennially.

(d) A person with inactive license status for the practice of
cosmetology or as an instructor shall not perform, or attempt to
perform, a practice of cosmetology. A person with inactive license
status for the practice of cosmetology or as an instructor shall
not teach, or attempt to teach, for a private beauty school or a
vocational cosmetology program in a public school.

(e) A person holding a beauty shop license or specialty shop

1 license may not employ a person who acts as an operator or
2 specialist if the person holds inactive license status.

3 (f) A person holding a school license who is in charge of a
4 vocational cosmetology program in a public school may not employ a
5 person who maintains an inactive license status as an instructor.

6 (g) A person with inactive license status may return to active
7 license status for the practice of cosmetology or any cosmetology
8 related activity if the person provides the following:

9 (1) Application for reinstatement of active license as
10 required by the commission.

11 (2) Payment of active license fee at the time of
12 application for reinstatement of active license.

13 (3) Documentation reflecting that the person has met all
14 continuing education requirements for the current biennial renewal
15 period.

16 SECTION 2. This Act takes effect September 1, 2005.

HOUSE COMMITTEE REPORT

1st Printing

By: Wong

H.B. No. 3149

Substitute the following for H.B. No. 3149:

By: Frost

C.S.H.B. No. 3149

A BILL TO BE ENTITLED

AN ACT

relating to inactive status for cosmetology certificate or license holders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 1602, Occupations Code, is amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. INACTIVE STATUS. (a) The holder of a certificate or license issued under this chapter may place the holder's certificate or license on inactive status by:

(1) applying to the commission on a form prescribed by the commission not later than the 10th day before the date the certificate or license expires; and

(2) paying the required fee.

(b) The holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) To maintain inactive status, the holder of a certificate or license must reapply for inactive status on or before the second anniversary of the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) The holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section may not perform or attempt to perform the practice of cosmetology.

1 (e) The holder of an instructor's license that has been
2 placed on inactive status may not teach or attempt to teach
3 cosmetology at a private beauty culture school or in a vocational
4 cosmetology program in a public school.

5 (f) The holder of a license to operate a vocational
6 cosmetology program in a public school, or a beauty shop, beauty
7 culture school, specialty shop, or other place of business in which
8 cosmetology is taught or practiced under this chapter, may not
9 employ a person to perform the practice of cosmetology or to teach
10 as an instructor if the person's certificate or license has been
11 placed on inactive status.

12 (g) A person whose certificate or license is on inactive
13 status under this section may return the person's certificate or
14 license to active status by:

15 (1) applying to the commission for reinstatement of
16 the certificate or license on the form prescribed by the
17 commission;

18 (2) submitting written documentation that the person
19 has completed applicable continuing education requirements under
20 this chapter within the preceding two years; and

21 (3) paying the required certificate or license fee.

22 SECTION 2. (a) Not later than January 1, 2006, the Texas
23 Cosmetology Commission shall adopt the forms, rules, and procedures
24 necessary to implement Section 1602.353, Occupations Code, as added
25 by this Act.

26 (b) Notwithstanding Section 1602.353, Occupations Code, as
27 added by this Act, a person may not apply to have the person's

C.S.H.B. No. 3149

1 certificate or license placed on inactive status under that section
2 before January 1, 2006.

3 SECTION 3. This Act takes effect September 1, 2005.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/20/2005
(date)

Sir:

We, your COMMITTEE ON GOVERNMENT REFORM

to whom was referred H.B. 3149 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (x) yes () no A fiscal note was requested.
- () yes (x) no A criminal justice policy impact statement was requested.
- () yes (x) no An equalized educational funding impact statement was requested.
- () yes (x) no An actuarial analysis was requested.
- () yes (x) no A water development policy impact statement was requested.
- () yes (x) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

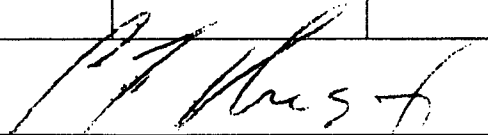
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Uresti, Chair	✓			
Otto, Vice-chair				✓
Davis	✓			
Frost	✓			
Gonzales	✓			
Hunter	✓			
Veasey	✓			

Total 6 aye
 0 nay
 0 present, not voting
 1 absent


CHAIR

BILL ANALYSIS

C.S.H.B. 3149
By: Wong
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are no provisions to allow for a cosmetology licensee to go to inactive status if that person decides to stop practicing cosmetology services for a period of time. Therefore, if a cosmetology licensee takes an extended leave of absence from the profession because that person decides to raise a family, or moves away from Texas with the intent to someday return, that person must keep up their license in Texas. This means that in some instances the licensee has to travel back to Texas to take continuing education courses, and has to pay fees related to the license. HB 3149 allows a person to have an inactive status for a cosmetology license, provided that the license holder complete all continuing education requirements and pay all necessary fees before the active license can be reinstated.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Cosmetology Commission in SECTION 2 of this bill.

ANALYSIS

SECTION 1

Amends Subchapter H, Chapter 1602 of the Occupations Code by adding Section 1602.353 to provide for inactive status of a cosmetology license.

Section 1602.353(a) provides that a holder of a license may be granted inactive status if that person applies for that status not later than 10 days before the license expires and if that person pays the required fee.

Section 1602.353(b) provides that the holder of a license does not have to complete continuing education requirements while the license status is inactive.

Section 1602.353(c) provides that the holder of an inactive license must reapply for inactive license status yearly.

Section 1602.353(d) provides that an inactive license holder may not perform cosmetology services.

Section 1602.353(e) provides that an instructor with an inactive license may not teach.

Section 1602.353(f) provides that the holder of a license to operate a vocational or other school that teaches cosmetology may not employ an instructor that holds an inactive license.

Section 1602.353(g) provides that active status may be regained by applying for reinstatement, providing documentation that the applicable continuing education requirements have been met, and paying the required fee.

SECTION 2

The Texas Cosmetology Commission shall adopt all necessary forms, rules and procedures by January 1, 2006. A person may not apply for inactive license status until January 1, 2006. This act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by making corrections to conforming language in the bill.

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SUMMARY OF COMMITTEE ACTION

HB 3149

April 11, 2005 1:30PM or upon final adjourn./recess

Considered in public hearing
Committee substitute considered in committee
Testimony taken in committee (See attached witness list.)
Left pending in committee

April 20, 2005 upon final adjourn./recess

Considered in formal meeting
Committee substitute considered in committee
Reported favorably as substituted

WITNESS LIST

**HB 3149
HOUSE COMMITTEE REPORT
Government Reform Committee**

April 11, 2005 - 1:30PM or upon final adjourn./recess

On: Humphrey, Antionette (Texas Cosmetology Commission)

Registering, but not testifying:

For: Davis, Jennifer (Self)

Holcombe, Linda (Texas Industrial Vocation Association)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 25, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3149 by Wong (Relating to inactive status for cosmetology certificate or license holders.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The provisions of the bill amend the Occupations Code to allow for an individual with a cosmetology license to become inactive by the individual paying a required biennial fee prior to the expiration date of the license. The provisions also allow for an inactive licensee to maintain as inactive by reapplying for inactive status or to become active by reapplying for an active license, paying for an active license fee, and documentation showing the completion or continuing education requirements.

Based on information provided by the Cosmetology Commission, it is estimated that the provisions of the bill would not have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 11, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3149 by Wong (Relating to providing for an inactive license status for a cosmetology licensee.), As Introduced

No significant fiscal implication to the State is anticipated.

The provisions of the bill amend the Occupations Code to allow for a cosmetology license to become inactive by the individual paying a required biennial fee prior to the expiration date of the license. The provisions also allow for an inactive licensee to become active by reapplying for an active license, paying for an active license fee, and documentation showing the completion or continuing education requirements.

Based on information provided by the Cosmetology Commission, it is estimated that the provisions of the bill would not have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

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ADOPTED

MAY 2005
Robt. J. [Signature]
Chief Clerk
House of Representatives

By: Wong

H.B. No. 3149

Substitute the following for H.B. No. 3149:

By: FROST

C.S. H.B. No. 3149

A BILL TO BE ENTITLED

AN ACT

relating to inactive status for cosmetology certificate or license holders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 1602, Occupations Code, is amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. INACTIVE STATUS. (a) The holder of a certificate or license issued under this chapter may place the holder's certificate or license on inactive status by:

(1) applying to the commission on a form prescribed by the commission not later than the 10th day before the date the certificate or license expires; and

(2) paying the required fee.

(b) The holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) To maintain inactive status, the holder of a certificate or license must reapply for inactive status on or before the second anniversary of the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) The holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section may not perform or attempt to perform the practice of cosmetology.

1 (e) The holder of an instructor's license that has been
2 placed on inactive status may not teach or attempt to teach
3 cosmetology at a private beauty culture school or in a vocational
4 cosmetology program in a public school.

5 (f) The holder of a license to operate a vocational
6 cosmetology program in a public school, or a beauty shop, beauty
7 culture school, specialty shop, or other place of business in which
8 cosmetology is taught or practiced under this chapter, may not
9 employ a person to perform the practice of cosmetology or to teach
10 as an instructor if the person's certificate or license has been
11 placed on inactive status.

12 (g) A person whose certificate or license is on inactive
13 status under this section may return the person's certificate or
14 license to active status by:

15 (1) applying to the commission for reinstatement of
16 the certificate or license on the form prescribed by the
17 commission;

18 (2) submitting written documentation that the person
19 has completed applicable continuing education requirements under
20 this chapter within the preceding two years; and

21 (3) paying the required certificate or license fee.

22 SECTION 2. (a) Not later than January 1, 2006, the Texas
23 Cosmetology Commission shall adopt the forms, rules, and procedures
24 necessary to implement Section 1602.353, Occupations Code, as added
25 by this Act.

26 (b) Notwithstanding Section 1602.353, Occupations Code, as
27 added by this Act, a person may not apply to have the person's

1 certificate or license placed on inactive status under that section
2 before January 1, 2006.

3 SECTION 3. This Act takes effect September 1, 2005.

F

2ND READING
ENGROSSMENT

By: Wong

H.B. No. 3149

A BILL TO BE ENTITLED

AN ACT

relating to inactive status for cosmetology certificate or license holders.

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(2) paying the required fee.

(b) The holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) To maintain inactive status, the holder of a certificate or license must reapply for inactive status on or before the second anniversary of the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) The holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section may not perform or attempt to perform the practice of cosmetology.

1 (e) The holder of an instructor's license that has been
2 placed on inactive status may not teach or attempt to teach
3 cosmetology at a private beauty culture school or in a vocational
4 cosmetology program in a public school.

5 (f) The holder of a license to operate a vocational
6 cosmetology program in a public school, or a beauty shop, beauty
7 culture school, specialty shop, or other place of business in which
8 cosmetology is taught or practiced under this chapter, may not
9 employ a person to perform the practice of cosmetology or to teach
10 as an instructor if the person's certificate or license has been
11 placed on inactive status.

12 (g) A person whose certificate or license is on inactive
13 status under this section may return the person's certificate or
14 license to active status by:

15 (1) applying to the commission for reinstatement of
16 the certificate or license on the form prescribed by the
17 commission;

18 (2) submitting written documentation that the person
19 has completed applicable continuing education requirements under
20 this chapter within the preceding two years; and

21 (3) paying the required certificate or license fee.

22 SECTION 2. (a) Not later than January 1, 2006, the Texas
23 Cosmetology Commission shall adopt the forms, rules, and procedures
24 necessary to implement Section 1602.353, Occupations Code, as added
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26 (b) Notwithstanding Section 1602.353, Occupations Code, as
27 added by this Act, a person may not apply to have the person's

H.B. No. 3149

1 certificate or license placed on inactive status under that section
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HOUSE ENGROSSMENT

By: Wong

H.B. No. 3149

A BILL TO BE ENTITLED

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(b) The holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) To maintain inactive status, the holder of a certificate or license must reapply for inactive status on or before the second anniversary of the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) The holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section may not perform or attempt to perform the practice of cosmetology.

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4 cosmetology program in a public school.

5 (f) The holder of a license to operate a vocational
6 cosmetology program in a public school, or a beauty shop, beauty
7 culture school, specialty shop, or other place of business in which
8 cosmetology is taught or practiced under this chapter, may not
9 employ a person to perform the practice of cosmetology or to teach
10 as an instructor if the person's certificate or license has been
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13 status under this section may return the person's certificate or
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16 the certificate or license on the form prescribed by the
17 commission;

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20 this chapter within the preceding two years; and

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24 necessary to implement Section 1602.353, Occupations Code, as added
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27 added by this Act, a person may not apply to have the person's

H.B. No. 3149

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3 SECTION 3. This Act takes effect September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 25, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3149 by Wong (Relating to inactive status for cosmetology certificate or license holders.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The provisions of the bill amend the Occupations Code to allow for an individual with a cosmetology license to become inactive by the individual paying a required biennial fee prior to the expiration date of the license. The provisions also allow for an inactive licensee to maintain as inactive by reapplying for inactive status or to become active by reapplying for an active license, paying for an active license fee, and documentation showing the completion or continuing education requirements.

Based on information provided by the Cosmetology Commission, it is estimated that the provisions of the bill would not have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 11, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3149 by Wong (Relating to providing for an inactive license status for a cosmetology licensee.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The provisions of the bill amend the Occupations Code to allow for a cosmetology license to become inactive by the individual paying a required biennial fee prior to the expiration date of the license. The provisions also allow for an inactive licensee to become active by reapplying for an active license, paying for an active license fee, and documentation showing the completion or continuing education requirements.

Based on information provided by the Cosmetology Commission, it is estimated that the provisions of the bill would not have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

By: Wong (Senate Sponsor - Van de Putte) H.B. No. 3149
(In the Senate - Received from the House May 11, 2005;
May 13, 2005, read first time and referred to Committee on Business
and Commerce; May 19, 2005, reported favorably by the following
vote: Yeas 8, Nays 0; May 19, 2005, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to inactive status for cosmetology certificate or license
holders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 1602, Occupations Code, is
amended by adding Section 1602.353 to read as follows:

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certificate or license issued under this chapter may place the
holder's certificate or license on inactive status by:

(1) applying to the commission on a form prescribed by
the commission not later than the 10th day before the date the
certificate or license expires; and

(2) paying the required fee.

(b) The holder of a certificate or license that has been
placed on inactive status under this section is not required to
comply with continuing education requirements under this chapter.

(c) To maintain inactive status, the holder of a certificate
or license must reapply for inactive status on or before the second
anniversary of the date the status is granted by submitting the
required form accompanied by the required renewal fee.

(d) The holder of a certificate or license to practice
cosmetology that has been placed on inactive status under this
section may not perform or attempt to perform the practice of
cosmetology.

(e) The holder of an instructor's license that has been
placed on inactive status may not teach or attempt to teach
cosmetology at a private beauty culture school or in a vocational
cosmetology program in a public school.

(f) The holder of a license to operate a vocational
cosmetology program in a public school, or a beauty shop, beauty
culture school, specialty shop, or other place of business in which
cosmetology is taught or practiced under this chapter, may not
employ a person to perform the practice of cosmetology or to teach
as an instructor if the person's certificate or license has been
placed on inactive status.

(g) A person whose certificate or license is on inactive
status under this section may return the person's certificate or
license to active status by:

(1) applying to the commission for reinstatement of
the certificate or license on the form prescribed by the
commission;

(2) submitting written documentation that the person
has completed applicable continuing education requirements under
this chapter within the preceding two years; and

(3) paying the required certificate or license fee.

SECTION 2. (a) Not later than January 1, 2006, the Texas
Cosmetology Commission shall adopt the forms, rules, and procedures
necessary to implement Section 1602.353, Occupations Code, as added
by this Act.

(b) Notwithstanding Section 1602.353, Occupations Code, as
added by this Act, a person may not apply to have the person's
certificate or license placed on inactive status under that section
before January 1, 2006.

SECTION 3. This Act takes effect September 1, 2005.

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 3149
By Wong/Van de Putte
(Author/Senate Sponsor)
5/19/05
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure,
have on 5/19/05, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☐ yes ☒ no
An actuarial analysis was requested. ☐ yes ☒ no
Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Ken Armbrister			<input checked="" type="checkbox"/>	
Senator Kim Brimer	<input checked="" type="checkbox"/>			
Senator John Carona	<input checked="" type="checkbox"/>			
Senator Kevin Eltife	<input checked="" type="checkbox"/>			
Senator Craig Estes	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte	<input checked="" type="checkbox"/>			
TOTAL VOTES	8	0	1	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

[Signature]
COMMITTEE CLERK

[Signature]
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center
79R10586 YDB-F

H.B. 3149
By: Wong (Van de Putte)
Business & Commerce
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there are no provisions to allow for a cosmetology licensee to go to inactive status if that person decides to stop practicing cosmetology services for a period of time. Therefore, if a cosmetology licensee takes an extended leave of absence from the profession because that person decides to raise a family, or moves away from Texas with the intent to someday return, that person must maintain the license. This means that in some instances the licensee must travel back to Texas to take continuing education courses, and pay fees related to the license.

H.B. 3149 allows a person to have an inactive status for a cosmetology license, provided that the license holder completes all continuing education requirements and pays all necessary fees before the active license is reinstated.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 1602, Occupations Code, by adding Section 1602.353, as follows:

Sec. 1602.353. INACTIVE STATUS. (a) Authorizes the holder of a [cosmetology] certificate or license issued under this chapter to place the holder's certificate or license on inactive status by taking certain actions.

(b) Provides that the holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) Requires the holder of a certificate or license, to maintain inactive status, to reapply for inactive status on or before the second anniversary of the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) Prohibits the holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section from performing or attempting to perform the practice of cosmetology.

(e) Prohibits the holder of an instructor's license that has been placed on inactive status from teaching or attempting to teach cosmetology at a private beauty culture school or in a vocational cosmetology program in a public school.

(f) Prohibits the holder of a license to operate a vocational cosmetology program in a public school, or a beauty shop, beauty culture school, specialty shop, or other place of business in which cosmetology is taught or practiced under this chapter, from employing a person to perform the practice of cosmetology or teaching as an instructor if the person's certificate or license has been placed on inactive status.

(g) Authorizes a person whose certificate or license is on inactive status under this section to return the person's certificate or license to active status by taking certain actions.

SECTION 2. (a) Requires the Texas Cosmetology Commission, not later than January 1, 2006, to adopt the forms, rules, and procedures necessary to implement Section 1602.353, Occupations Code, as added by this Act.

(b) Prohibits a person, notwithstanding Section 1602.353, Occupations Code, as added by this Act, from applying to have the person's certificate or license placed on inactive status under that section before January 1, 2006.

SECTION 3. Effective date: September 1, 2005.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 13, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3149 by Wong (Relating to inactive status for cosmetology certificate or license holders.),
As Engrossed

No significant fiscal implication to the State is anticipated.

The provisions of the bill amend the Occupations Code to allow for an individual with a cosmetology license to become inactive by the individual paying a required biennial fee prior to the expiration date of the license. The provisions also allow for an inactive licensee to maintain as inactive by reapplying for inactive status or to become active by reapplying for an active license, paying for an active license fee, and documentation showing the completion or continuing education requirements.

Based on information provided by the Cosmetology Commission, it is estimated that the provisions of the bill would not have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JOB, CL, LB, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 25, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3149 by Wong (Relating to inactive status for cosmetology certificate or license holders.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The provisions of the bill amend the Occupations Code to allow for an individual with a cosmetology license to become inactive by the individual paying a required biennial fee prior to the expiration date of the license. The provisions also allow for an inactive licensee to maintain as inactive by reapplying for inactive status or to become active by reapplying for an active license, paying for an active license fee, and documentation showing the completion or continuing education requirements.

Based on information provided by the Cosmetology Commission, it is estimated that the provisions of the bill would not have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 11, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3149 by Wong (Relating to providing for an inactive license status for a cosmetology licensee.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The provisions of the bill amend the Occupations Code to allow for a cosmetology license to become inactive by the individual paying a required biennial fee prior to the expiration date of the license. The provisions also allow for an inactive licensee to become active by reapplying for an active license, paying for an active license fee, and documentation showing the completion or continuing education requirements.

Based on information provided by the Cosmetology Commission, it is estimated that the provisions of the bill would not have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JOB, LB, DE

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 3149, by Wong / Van de Putte,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Business and Commerce on May 19,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Tatum Baker

(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ENROLLED

H.B. No. 3149

AN ACT

relating to inactive status for cosmetology certificate or license holders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 1602, Occupations Code, is amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. INACTIVE STATUS. (a) The holder of a certificate or license issued under this chapter may place the holder's certificate or license on inactive status by:

(1) applying to the commission on a form prescribed by the commission not later than the 10th day before the date the certificate or license expires; and

(2) paying the required fee.

(b) The holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) To maintain inactive status, the holder of a certificate or license must reapply for inactive status on or before the second anniversary of the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) The holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section may not perform or attempt to perform the practice of cosmetology.

1 (e) The holder of an instructor's license that has been
2 placed on inactive status may not teach or attempt to teach
3 cosmetology at a private beauty culture school or in a vocational
4 cosmetology program in a public school.

5 (f) The holder of a license to operate a vocational
6 cosmetology program in a public school, or a beauty shop, beauty
7 culture school, specialty shop, or other place of business in which
8 cosmetology is taught or practiced under this chapter, may not
9 employ a person to perform the practice of cosmetology or to teach
10 as an instructor if the person's certificate or license has been
11 placed on inactive status.

12 (g) A person whose certificate or license is on inactive
13 status under this section may return the person's certificate or
14 license to active status by:

15 (1) applying to the commission for reinstatement of
16 the certificate or license on the form prescribed by the
17 commission;

18 (2) submitting written documentation that the person
19 has completed applicable continuing education requirements under
20 this chapter within the preceding two years; and

21 (3) paying the required certificate or license fee.

22 SECTION 2. (a) Not later than January 1, 2006, the Texas
23 Cosmetology Commission shall adopt the forms, rules, and procedures
24 necessary to implement Section 1602.353, Occupations Code, as added
25 by this Act.

26 (b) Notwithstanding Section 1602.353, Occupations Code, as
27 added by this Act, a person may not apply to have the person's

H.B. No. 3149

1 certificate or license placed on inactive status under that section
2 before January 1, 2006.

3 SECTION 3. This Act takes effect September 1, 2005.

H.B. No. 3149

President of the Senate

Speaker of the House

I certify that H.B. No. 3149 was passed by the House on May 10, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3149 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 3149 was passed by the House
(1)

on May 10, 2005, by a non-record vote.
(2)

Chief Clerk of the House

I certify that H.B. No. 3149 was passed by the Senate

on May 25, 2005, by the following vote:
(3)

Yeas 31, Nays 0
(4) (5)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT26

31
H.B. No.

3149

A BILL TO BE ENTITLED
AN ACT

By

Marcha Long

relating to providing for an inactive license status for a cosmetology licensee.

MAR 11 2005

Filed with the Chief Clerk

MAR 21 2005

Read first time and referred to Committee on Government Reform

APR 20 2005

Reported favorably (~~unfavorably~~)
(as substituted)

APR 28 2005

Sent to Committee on (Calendars)

MAY 09 2005

Read second time (comm. subst.) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)
(~~record vote of~~ yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

MAY 10 2005

Read third time (~~amended~~), finally passed (~~failed to pass~~) by a (non-record vote)
(~~record vote of~~ yeas, nays, present, not voting)

Engrossed

MAY 11 2005

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 11 2005

Received from the House

MAY 13 2005

Read and referred to Committee on BUSINESS AND
COMMERCE

MAY 19 2005

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 25 2005

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

MAY 25 2005

Read second time, , and passed to third reading by (~~unanimous consent~~)
(yeas, nays) (a viva voce vote)

MAY 25 2005

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 25 2005

Read third time, , and passed by a (viva voce vote)
(31 yeas, 0 nays)

MAY 25 2005

Returned to the House

Latey Spaw
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 25 2005

Returned from the Senate (as substituted)
(initials)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,
_____, _____, _____

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

05 APR 27 PM 11:55
HOUSE OF REPRESENTATIVES